

Appl. No. 09/920,481
Amdt. Dated 3/16/2006
Response to Office action dated 03/09/2006

REMARKS

No claims have been amended or cancelled, and no new claims have been added. Claims 1-30 and 40-41 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 1-2, 4-6, 13-14, 16-18, 22-23, 25-27 and 40-41 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record. This rejection is respectfully traversed.

Gifford is directed to a user requesting a document via a hyperlink, wherein the document may be any type of digital data, such as multimedia documents that include text, audio and video, and documents that contain programs (see Gifford, 4:61 - 5:6).

Claims 1, 13, 22, 40 and 41 are independent. Claim 1 recites, among other features, "receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated." The Examiner asserted that this feature is taught at Gifford, 7:9-10 and Fig. 6, items 19-20. Gifford's process requires that a buyer activate a link resulting in an HTTP request for a specific document with a specified URL (see Gifford, 5:50-53). Gifford's merchant computer then retrieves the document associated with the given URL and returns it to the buyer (see Gifford, 5:54-55). Gifford expressly states, "when the user activates link 5, an HTTP request 25 is sent to the merchant computer requesting the document" (see Gifford,

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5:57-59). This is the only embodiment which Gifford discloses, teaches and suggests for initiating the transaction.

The Examiner's assertion that Gifford, at 7:8-10, discloses that the transaction is initiated via e-mail is not accurate. Gifford, at 7:3-10, discloses that the product or document may be delivered to the buyer "via ordinary mail or other means." Moreover, Gifford, at 7:3-10, discloses that a message may be sent to the shipping system to execute the order. The "network sales system implementing an electronic mail order system" is a system residing at the merchant computer which releases an order to be delivered via the USPS or an electronic delivery. Gifford's teaching is clear: Gifford's transaction is initiated via a buyer clicking on a hyperlink. Gifford does not disclose, teach or suggest the feature, "receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated." Moreover, nothing in Talati overcomes Gifford's shortcoming. Therefore claim 1 is not obvious in view of Gifford and further in view of Talati.

Independent claims 13, 22, 40 and 41 each include a similar feature and are thereby patentable over Gifford in view of Talati. By virtue of their dependence from claim 1, claims 2 and 4-6 are patentable over Gifford in view of Talati. By virtue of their dependence from claim 13, claims 14 and 16-18 are patentable over Gifford in view of Talati. By virtue of their dependence from claim 22, claims 23 and 25-27 are patentable over Gifford in view of Talati. Therefore, it is respectfully requested that the rejection be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 3, 15 and 24 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record and further in view of the Specification at paragraph [0004]. This rejection is respectfully traversed.

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By virtue of their respective dependence from claims 2, 14 and 23, claims 3, 15 and 24 are patentable over Gifford in view of Talati. Moreover, nothing in the Specification at paragraph [0004] discloses, teaches or suggests that "receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated" was prior art. Therefore, claims 3, 15 and 24 are patentable over Gifford in view of Talati and further in view of the Specification at paragraph [0004]. Therefore, it is respectfully requested that the rejection be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 7, 19 and 28 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record and further in view of the Joseph et al. (US Pat. Pub. No. 2003/0028448). This rejection is respectfully traversed.

By virtue of their respective dependence from claims 1, 13 and 22, claims 7, 19 and 28 are patentable in view of Gifford and further in view of Talati. Nothing in Joseph discloses, teaches or suggests "receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated." Therefore, claims 7, 19 and 28 are patentable in view of Gifford, further in view of Talati and further in view of Joseph. Therefore, it is respectfully requested that the rejection be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 8-12, 20-21 and 29-30 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record and further in view of the Schuster of record. This rejection is respectfully traversed.

By virtue of their respective ultimate dependence from claims 1, 13 and 22, claims 8-12, 20-21 and 29-30 are patentable over Gifford in view of Talati. Nothing in Schuster discloses, teaches or suggests "receiving a first message via e-mail from a user of a given client device at a remote

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location, whereby an inquiry-response transaction is initiated." Therefore, claims 8-12, 20-21 and 29-30 are patentable over Gifford in view of Talati and further in view of Schuster. Therefore, it is respectfully requested that the rejection be withdrawn.

Conclusion

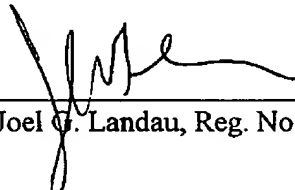
It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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